



BN1 - BRITISH CITIZENSHIP

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The British Nationality Act 1981 came into force on 1 January 1983. It replaced all previous nationality laws.

The 1981 Act replaced citizenship of the United Kingdom and Colonies with three separate citizenships:-

- British citizenship, for people closely connected with the United Kingdom, the Channel Islands and the Isle of Man
- British Dependent Territories citizenship, for people connected with the British overseas territories (see Note 3)
- British Overseas citizenship, for those citizens of the United Kingdom and Colonies without connections with either the United Kingdom or the British overseas territories

This leaflet explains the position from 1 January 1983 under the 1981 Act, and also explains some changes made by the British Overseas Territories Act 2002.

SOME QUESTIONS AND ANSWERS ABOUT BEING A BRITISH CITIZEN

1. WHAT IS BRITISH CITIZENSHIP?

People who are closely connected with the United Kingdom (including the Channel Islands and the Isle of Man) and, in most cases, the British overseas territories (see paragraph 3 below) are British citizens. British citizens have the right to live here permanently and are free to leave and re-enter the United Kingdom at any time.

2. WHO BECAME BRITISH CITIZENS ON 1 JANUARY 1983?

People became British citizens (see Note 1) if they were citizens of the United Kingdom and Colonies on 31 December 1982 and had the right of abode in the United Kingdom (see Note 2). If you were in this position and you held a British passport describing you as a citizen of the United Kingdom and Colonies, then page 5 of your passport would normally say 'Holder has the right of abode in the United Kingdom'. Otherwise, you can check your position by reading Note 2.

3. IF PEOPLE WERE CITIZENS OF THE UNITED KINGDOM AND COLONIES ON 31 DECEMBER 1982, BUT DID NOT BECOME BRITISH CITIZENS ON 1 JANUARY 1983, WHAT CITIZENSHIP DO THEY HAVE?

They will have become:

- a British Dependent Territories citizen (if they had a connection with a British overseas territory (see Note 3) because they, their parents or grandparents were born, registered or naturalised there), **or**
- a British Overseas citizen (if they did not have a connection with a British overseas territory)

4. WHAT CHANGES HAVE BEEN MADE AFFECTING BRITISH DEPENDENT TERRITORIES CITIZENS?

On 19 February 1983 (i.e. when St Christopher and Nevis became an independent Commonwealth country), British Dependent Territories citizens lost that citizenship if they were connected only with St Christopher and Nevis.

On 30 June 1997 (i.e. when sovereignty over Hong Kong returned to the People's Republic of China), British Dependent Territories citizens lost that citizenship if they were connected only with Hong Kong. However, special rules were introduced in 1986 allowing British Dependent Territories citizens from Hong Kong to acquire the new status of British National (Overseas).

Those who did not register as British Nationals (Overseas) and who had no other nationality or citizenship on 30 June 1997 became British Overseas citizens on 1 July 1997.

When the British Overseas Territories Act 2002 was introduced on 26 February 2002, British Dependent Territories citizenship was renamed British overseas territories citizenship.

On 21 May 2002, British overseas territories citizens became British citizens automatically under the 2002 Act if they had that citizenship by connection with a qualifying territory (see Note 3).

5. WILL A CHILD WHO IS BORN IN THE UNITED KINGDOM ON OR AFTER 1 JANUARY 1983 BE A BRITISH CITIZEN? (SEE CHART A)

A child will be a British citizen when he or she is born if one of his or her parents (see Note 4) is:

- a British citizen (it does not matter how the parent concerned became a British citizen), or
- settled in the United Kingdom (see Note 5)

If neither of the child's parents is a British citizen or settled in the United Kingdom, then the child will not be a British citizen when he or she is born.

6. WILL A CHILD WHO IS BORN IN THE UNITED KINGDOM ON OR AFTER 1 JANUARY 1983 HAVE A RIGHT TO BECOME A BRITISH CITIZEN IF NEITHER PARENT IS A BRITISH CITIZEN OR SETTLED IN THE UNITED KINGDOM WHEN THE CHILD IS BORN?

Yes -

- (a) If one of the parents becomes a British citizen or becomes settled (see Note 5) in the United Kingdom and an application for registration is made before the child is 18; or
- (b) If the child lives in the United Kingdom for the first 10 years of his or her life, and is not absent more than 90 days in any one of those years; or
- (c) If the child is a British overseas territories citizen (see Note 3), a British Overseas citizen, a British subject under the 1981 Act, a British protected person or a British National (Overseas), and he or she lives legally in the United Kingdom for 5 years; or
- (d) If the child has always been stateless and lives in the United Kingdom for a period of 5 years before his or her 22nd birthday.

If the child is not entitled to registration, he or she may still be registered as a British citizen if the Home Secretary agrees.

An application for registration described in (a) should be made on Form MN1 (further information about the requirements for registration is in the guide which accompanies the form). An application for registration described in (b) should be made on Form T (further information about the requirements for registration is in the guide which accompanies the form). An application for registration described in (c) should be made on Form B(OTA) (further information about the requirements for registration is in the guide which accompanies the form and also in leaflet BN12). An application for registration described in (d) should be made on Form S3 (further information about the requirements for registration is in the guide which accompanies the form and also in leaflet BN5). Application forms and leaflets are available on our website or by contacting the Nationality Quality and Enquiry Team or British Post abroad (see 13 below).

7. WILL A CHILD WHO IS BORN ON OR AFTER 1 JANUARY 1983 OUTSIDE THE UNITED KINGDOM BE A BRITISH CITIZEN?

The child's nationality will normally depend on a parent's status. The term "parent" is explained in Note 4.

The child will be a British citizen if:

(a) one of the parents is a British citizen otherwise than by descent, for example by birth, adoption, registration or naturalisation, and the child was born:

- outside the United Kingdom before 21 May 2002, or
- outside the United Kingdom and the qualifying territories (see Note 3) on or after 21 May 2002; or

(b) the child is a British overseas territories citizen and was born in a qualifying territory (see Note 3) before 21 May 2002; or

(c) the child is born in a qualifying territory (see Note 3) on or after 21 May 2002 and one of the parents is a British citizen or settled (see Note 5) in the United Kingdom or that territory; or

(d) the child was born outside the United Kingdom before 21 May 2002 and, at the time of the birth, one of the parents is a British citizen who is:

- serving outside the United Kingdom in Crown service under the government of the United Kingdom, or
- serving outside the United Kingdom in specially designated service, and, in either case, was recruited for that service in the United Kingdom; or

(e) the child was born outside the United Kingdom and the qualifying territories (see Note 3) on or after 21 May 2002 and, at the time of the birth, one of his or her parents is a British citizen who is:

- serving outside the United Kingdom and the qualifying territories in Crown service under the government of the United Kingdom or of a qualifying territory (see Note 3), or
- serving outside the United Kingdom and the qualifying territories in specially designated service,

and, in either case, was recruited for that service in the United Kingdom or a qualifying territory; or

(f) one of the parents is a British citizen who:

- was working for a European Community institution when the child was born, and
- had been recruited to that service in a country which was a member of the European Union at the time of recruitment; and either
 - was working for that institution outside the United Kingdom when the child was born (if the child was born before 21 May 2002) or
 - was working for that institution outside the United Kingdom and the qualifying territories (see Note 3) when the child was born (if the child was born on or after 21 May 2002)

A child who is a British citizen in the circumstances described in (a) is a British citizen by descent, and will not normally be able to pass on citizenship to any children he or she may have if they are born abroad. A child who is a British citizen in the circumstances described in (b) to (f) is a British citizen otherwise than by descent, and will be able to pass on citizenship to his or her children (even if they are born abroad).

If a child born abroad is not a British citizen to start with, it may be possible for him or her to be registered as a British citizen.

Further information about children born outside the United Kingdom is in leaflet BN4. Further information about children born to parents in Crown, designated or European Community institution service is in leaflet BN6. Information leaflets and application forms (if you want your child to be registered as a British citizen) are available on our website or by contacting the Nationality Quality and Enquiry Team or British Post abroad (see 13 below).

8. WHAT NATIONALITY WILL A CHILD BE IF HE OR SHE IS NOT BORN A BRITISH CITIZEN BUT HAS BEEN LEGALLY ADOPTED BY A BRITISH CITIZEN?

The child will automatically become a British citizen from the date the court makes the adoption order as long as he or she is still under the age of 18 on that date and the adoption:

- is made by a court in the United Kingdom, or
- was made by a court in the Falkland Islands between 1 January 1983 and 20 May 2002 (inclusive), or
- is made, on or after 21 May 2002, by a court in a qualifying territory (see Note 3), or
- is:
 - a “Convention” adoption (see Note 6) and
 - is made on or after 1 June 2003 by a court outside the United Kingdom and
 - the adoptive parent is or, in case of a joint adoption, both adoptive are habitually resident in the United Kingdom at the time of the adoption

9. IS EVERYONE WHO CAME TO THE UNITED KINGDOM ON A BRITISH PASSPORT STILL BRITISH?

Not necessarily. In many cases, people who came to the United Kingdom on a British passport and whose country of origin later became independent became citizens of the newly independent country and lost their British nationality. There are, however, three exceptions:

- (a) People would have remained citizens of the United Kingdom and Colonies if, on the date their country became independent, they were connected by birth, adoption, registration, naturalisation or ancestry with the United Kingdom or a place which remained a British colony. NB. People who kept citizenship of the United Kingdom and Colonies because they had a connection with another British colony may have lost it if that colony later became independent.
- (b) People from Antigua and Barbuda or from Belize would have remained citizens of the United Kingdom and Colonies if, on the date those countries became independent, they had the right of abode in the United Kingdom (see Note 2).
- (c) People from St Christopher and Nevis will have remained British Dependent Territories citizens after the territory became independent if they were connected by birth, adoption, naturalisation, registration or ancestry with a place which, on independence day (19 September 1983), remained a British dependent territory (see also paragraph 4 above).

10. HOW CAN A PERSON WHO IS NOT A BRITISH CITIZEN BECOME ONE? (SEE CHART B)

There are two ways of becoming a British citizen:

i. Registration

There are a number of ways a person can be registered as a British citizen:

British nationals (i.e. British overseas territories citizens, British Overseas citizens, British subjects under the 1981 Act, British Nationals (Overseas) and British protected persons) may apply to be registered as British citizens if they have lived in the United Kingdom for 5 years or been employed in Crown service under the government of a British overseas territory.

British nationals can also apply to be registered as British citizens if they are:

- British overseas territories citizens who have that citizenship by connection with a qualifying territory (see Note 3) and have not previously renounced British citizenship
- British Overseas citizens, British subjects under the 1981 Act and British protected persons who (a) have no other citizenship and (b) have not lost or renounced any other citizenship since 4 July 2002
- British overseas territories citizens who have that citizenship by connection with Gibraltar
- British nationals who have no other citizenship and are ordinarily resident in Hong Kong (and were ordinarily resident in Hong Kong on 4 February 1997)

In certain circumstances, people can also apply to register as British citizens if they are under 18 (see paragraph 6), stateless, if they were born before 1 January 1983 to a British mother, or if they have previously renounced British citizenship.

ii. Naturalisation

Foreign nationals (including Commonwealth citizens and Irish citizens) who are over 18 may apply for certificates of naturalisation.

Further information about the requirements for naturalisation is in leaflet BN7, which is available on our website or by contacting the Nationality Quality and Enquiry Team or the British Post abroad (see 13 below).

11. HOW DOES THE ACT AFFECT PEOPLE WHO HAVE SETTLED HERE BUT DO NOT WANT TO BECOME BRITISH CITIZENS?

The Act did not alter the position under the immigration laws of anyone who was lawfully settled here before 1983. It does not affect a person's existing civic rights, such as the right to vote or stand in elections.

12. DOES THE LAW STILL ALLOW PEOPLE TO HAVE MORE THAN ONE NATIONALITY?

Generally speaking, United Kingdom law does let people have more than one nationality. But the law of your original country may not allow you to be a citizen of that country if you are a British national. And British protected persons and certain British subjects will lose their British status automatically if they acquire any other nationality or citizenship. Further information about dual nationality is in leaflet BN18, which is available on our website or by contacting the Nationality Quality and Enquiry Team or the British Post abroad (see 13 below).

13. MORE INFORMATION

If you are in England, Scotland, Wales or Northern Ireland and would like further advice about citizenship, or if you are still not sure about your position, please contact:

Home Office Department 2
Nationality Quality and Enquiry Team
PO Box 306
Liverpool
L2 0QN

Telephone: 0845 010 5200

Make sure you give:-

- Your date and place of birth;
- Your father's date and place of birth;
- Your mother's date and place of birth;
- Where and when you got married or entered into civil partnership (if this applies);
- Your husband's, wife's or civil partner's date and place of birth (if this applies);
- The date and place of your first arrival in the United Kingdom;
- Your present nationality and that of your husband, wife or civil partner (if this applies), as recorded in your/your spouse's/your partner's passport; and
- The reference number of any previous correspondence with the Home Office.

If you want to make an application for registration or naturalisation as a British citizen, you can get an application form and guide on our website or by telephoning 0117 344 1462.

If you have any questions about citizenship or want to ask for an application form (and you are not in England, Scotland, Wales or Northern Ireland), please contact:

- the Lieutenant-Governor, if you are in the Channel Islands or the Isle of Man
- the British Embassy or Consulate, if you are in a foreign country or Ireland
- the British High Commission, if you are in a Commonwealth country
- the Governor, if you are in a British overseas territory

NOTES

1. BRITISH CITIZENS ON 1 JANUARY 1983

These include people who were registered as citizens of the United Kingdom and Colonies under section 12(6) of the British Nationality Act 1948 in an independent Commonwealth country by the British High Commissioner. The male ancestor who their application was based on must have been born or naturalised in the United Kingdom and Colonies.

A person who registered as a citizen of the United Kingdom and Colonies under section 1(1)(a) of the British Nationality (No 2) Act 1964 is only a British citizen if:

- his or her mother became a British citizen (or would have done but died before 1983) or
- he or she had the right of abode in the United Kingdom on the grounds of residence (as described in Note 2(d) below)

2. RIGHT OF ABODE (UNDER THE IMMIGRATION ACT 1971)

The following people had the right of abode (the right to live in the United Kingdom):

- (a) Citizens of the United Kingdom and Colonies who were born, adopted, naturalised or registered in the United Kingdom*.
- (b) Citizens of the United Kingdom and Colonies who were born to, or legally adopted by, a parent† who, at the time of the birth or adoption, was a citizen of the United Kingdom and Colonies born, adopted, naturalised or registered in the United Kingdom*.
- (c) Citizens of the United Kingdom and Colonies who were born to, or legally adopted by, a parent† who, at the time of the birth, was a citizen of the United Kingdom and Colonies and whose own parent† was a citizen of the United Kingdom and Colonies by birth, adoption, naturalisation or registration in the United Kingdom*.
- (d) Citizens of the United Kingdom and Colonies who had, before 1 January 1983, been ordinarily resident in the United Kingdom for 5 years or more without being restricted by the immigration laws as to how long he or she could stay.
- (e) Commonwealth citizens who were born to, or legally adopted by, a parent† who, at the time of the birth or adoption, was a citizen of the United Kingdom and Colonies by birth in the United Kingdom.
- (f) Female Commonwealth citizens or citizens of the United Kingdom and Colonies who were, or had been, the wife of a man with the right of abode.

* “Registered in the United Kingdom” includes registration at the High Commission in an independent Commonwealth country. However, it does not include:

- registration under section 6(2) of the British Nationality Act 1948 (registration on the grounds of marriage to a citizen of the United Kingdom and Colonies) if the marriage took place after 28 October 1971; or
- registration under section 7 of the British Nationality Act 1948 (registration of minors) at a High Commission after 28 October 1971; or
- registration under section 12(6) of the British Nationality Act 1948 at a High Commission

† “Parent” does not include the father of an illegitimate child.

3. BRITISH DEPENDENT TERRITORIES¹ ON 1 JANUARY 1983

Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands and Dependencies², Gibraltar, Hong Kong³, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Christopher and Nevis⁴, St Helena and Dependencies, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands, and the Virgin Islands.

1. The British dependent territories were renamed “British overseas territories” on 26 February 2002 and, since then, British Dependent Territories citizens(hip) has been known as “British overseas territories citizens(hip)”.
2. South Georgia and the South Sandwich Islands were the “Dependencies” of the Falkland Islands, but were not dependent territories during the period 3 October 1985 – 3 December 2001.
3. Hong Kong ceased to be a British dependent territory on 30 June 1997 (i.e. when sovereignty over the territory reverted to China).

4. St Christopher and Nevis ceased to be a British dependent territory on 18 September 1983 (when it became an independent Commonwealth country).

References in this leaflet to “qualifying territories” mean the British overseas territories except for the Sovereign Base Areas of Akrotiri and Dhekelia.

4. PARENTS

Children born before 1 July 2006

“Parent” means:

- the mother (if the child was born on or after 1 January 1983) – before 1983, women were not able to pass on citizenship to their children
- the father (but only if he was married to the mother).

If the parents were not married when the child was born, but then get married, the marriage might legitimate the child’s birth. If it does, the child would become a British citizen (and would be regarded as having been one from birth) if the father was a British citizen (or settled) when the child was born. Children of a void marriage may also, in some circumstances, be treated as legitimate.

Children born on or after 1 July 2006

“Parent” means the mother (i.e. the woman who gives birth to the child) or the father if:

- (a) he is married to the mother at the time of the birth, or
- (b) he is treated as the father under section 28 of the Human Fertilisation and Embryology Act 1990 or
- (c) (if neither (a) nor (b) apply) he can satisfy certain requirements as regards proof of paternity – i.e. he is named as the father on a birth certificate issued within 1 year of the child’s birth or he can satisfy the Home Secretary that he is the father of the child (by means of DNA test results, court orders or other relevant evidence)

5. SETTLED

A person is settled in the United Kingdom if ordinarily resident here without any restriction, under the immigration laws, on their maximum length of stay. No one can be regarded as ordinarily resident in the UK at any time when, under the immigration laws, they require permission to be here but do not have that permission. Certain people cannot be regarded as being settled here even though they are exempt from immigration control (e.g. certain members of diplomatic or consular missions, visiting forces, or international organisations).

Before 2 October 2000, European Economic Area (EEA) nationals exercising Treaty rights under European Community law were regarded as having been settled here.

Between 2 October 2000 and 30 April 2006, EEA nationals were only regarded as settled if they were granted indefinite leave to remain in the United Kingdom or had an unconditional right of residence under European Community law (for example, retired people or people unable to work because of incapacity).

Since 30 April 2006, EEA nationals (or their family members) who have been exercising free movement rights in the United Kingdom for a continuous period of 5 years will, at the end of that 5 year period, become automatically entitled to permanent residence in the UK and will not need to obtain indefinite leave to remain in the United Kingdom. (NB. If you completed the “5

year” period before 30 April 2006, you only acquired permanent residence in this way on 30 April 2006.)

The family members of EEA nationals exercising Treaty rights may be settled in their own right. If not, their claim to be regarded as settled depends upon whether the EEA national exercising Treaty rights could be regarded as settled.

It should be noted that:

- The person who is exercising “free movement rights” must have been an EEA national for the whole of the “5 year” period. For example, a citizen of a country which joined the European Union on 1 May 2004 will not acquire permanent residence until 1 May 2009 at the earliest
- Since 1 June 2002, Swiss nationals and their family members have enjoyed similar residence rights to EEA nationals. They are not normally regarded as having been free of immigration restrictions before that date unless they had indefinite leave to enter or remain in the United Kingdom.

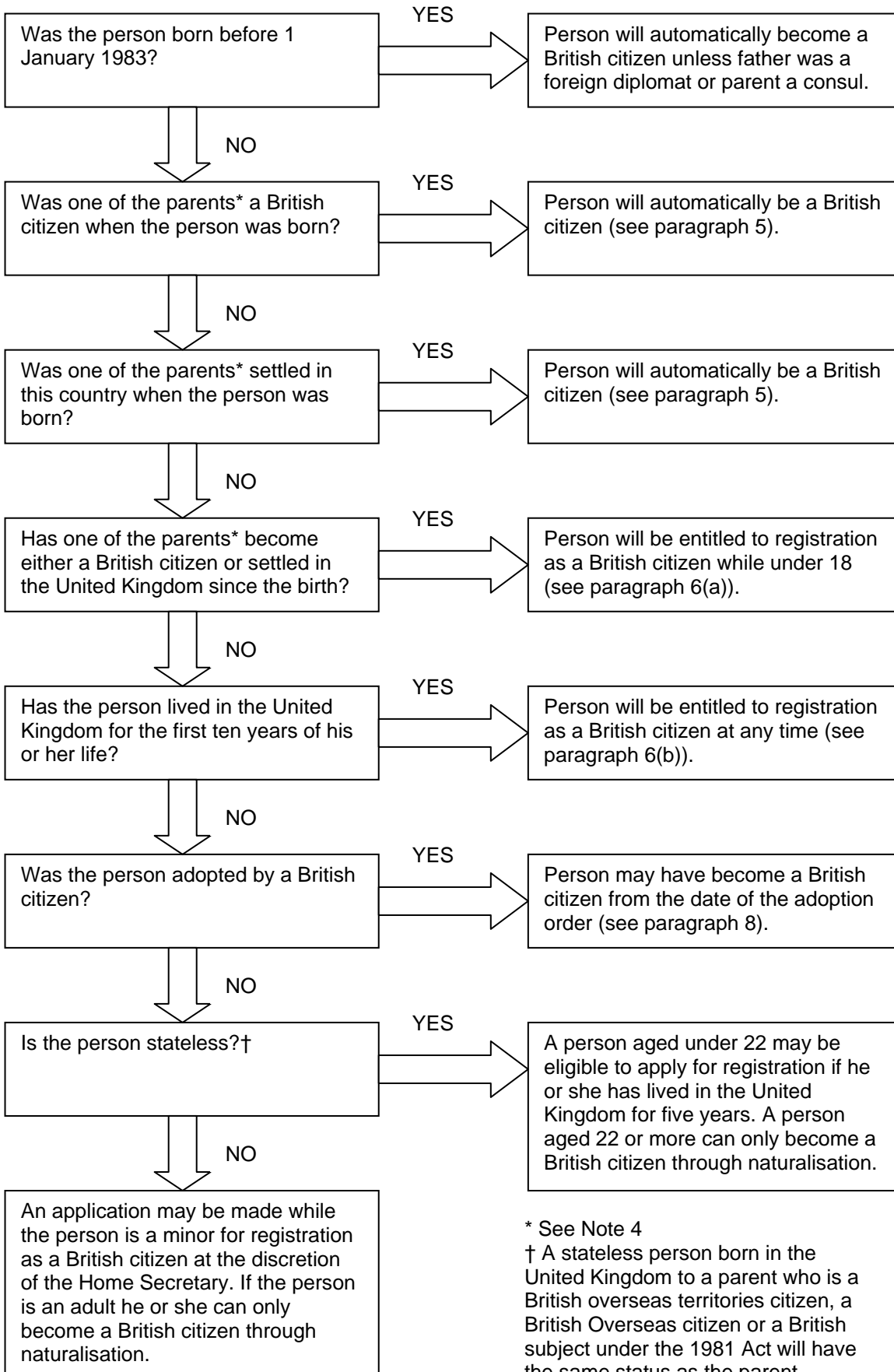
6. “CONVENTION” ADOPTION

A “Convention” adoption is an adoption which is:

- effected under the law of any country, outside Great Britain, Northern Ireland, the Channel Islands and the Isle of Man, in which the Hague Convention on Intercountry Adoption 1993 is in force; and
- certified in accordance with the Convention.

CHART A

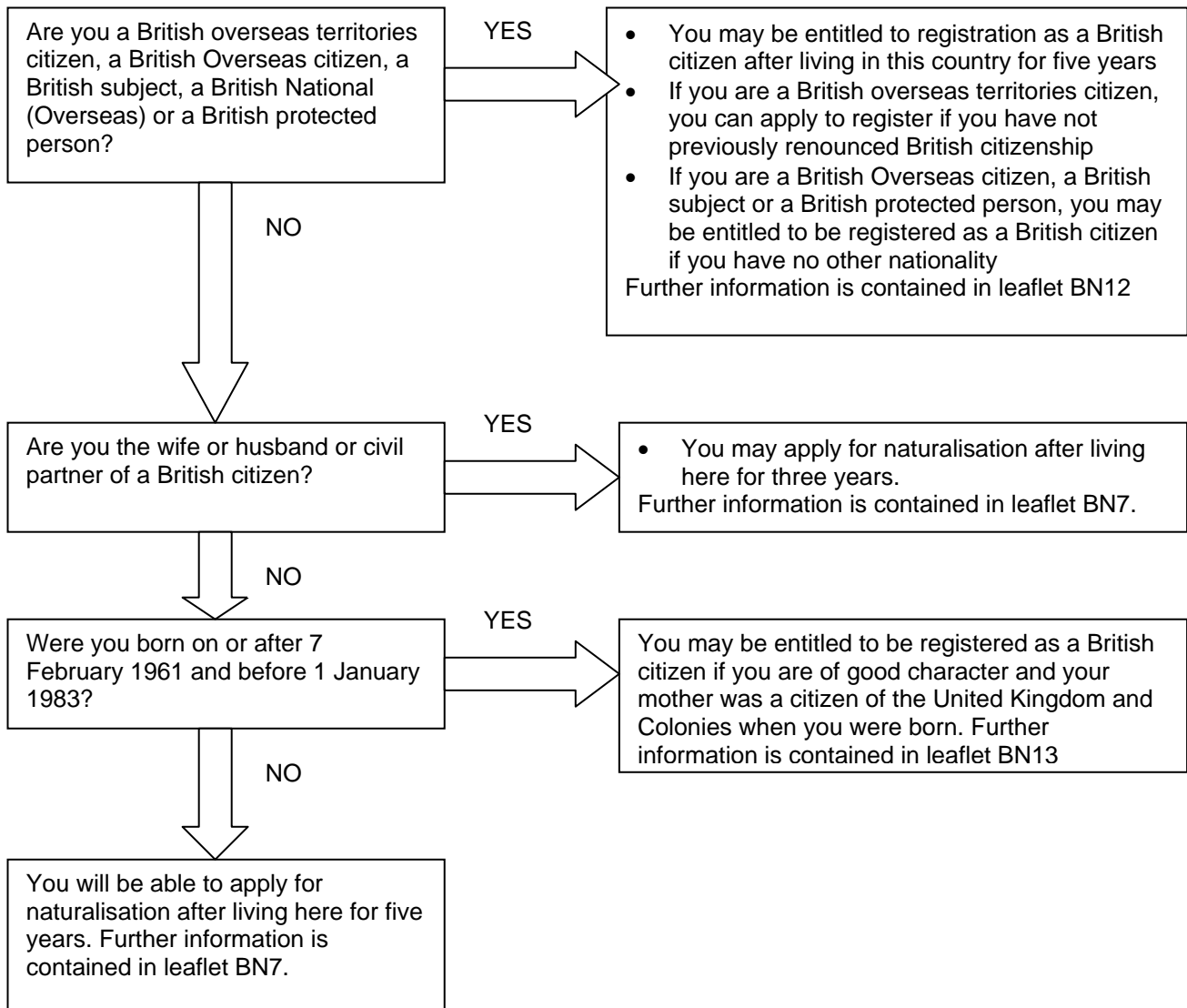
WHAT WILL BE THE CITIZENSHIP OF PEOPLE WHO ARE BORN IN THE UNITED KINGDOM?



* See Note 4

† A stateless person born in the United Kingdom to a parent who is a British overseas territories citizen, a British Overseas citizen or a British subject under the 1981 Act will have the same status as the parent.

CHART B
HOW CAN AN ADULT BECOME A BRITISH CITIZEN?



The law covering British citizenship is in the British Nationality Act 1981 and the Regulations made under it and in the British Overseas Territories Act 2002. The information given here is only a brief guide to the law and the Home Secretary’s policy.

Information you give us will be treated in confidence but may be disclosed to other bodies, for example other Government departments and agencies, local authorities and the police where it is necessary for immigration or nationality purposes or to enable these bodies to carry out their functions.